

The House Committee on Health and Human Services offers the following substitute to SB 596:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 provide a short title; to provide legislative intent and findings; to provide definitions; to  
3 create the Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid; to provide for  
4 donations and information concerning donations; to provide for the creation of the Georgia  
5 Commission for the Newborn Umbilical Cord Blood Initiative and the membership,  
6 appointment, terms of office, and duties of such commission; to provide for certain funding  
7 mechanisms; to amend Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia  
8 Annotated, relating to income tax returns and information, so as to authorize taxpayers to  
9 make certain contributions through the income tax payment and refund process; to provide  
10 an effective date and for applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Delivering the Cure: Newborn Umbilical  
14 Cord Blood Initiative Act." This Act may also be known and cited as "Keone's Law."

15 **SECTION 2.**

16 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding  
17 a new Chapter 46 to read as follows:

18 "CHAPTER 46

19 31-46-1.

20 The General Assembly finds and declares that:

21 (1) Over 100 million Americans and two billion other humans worldwide suffer from  
22 diseases that may eventually be treated more effectively or even cured with stem cells;

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- (2) Stem cell research has been hampered by the controversy over embryonic stem cells;
- (3) Stem cells are not found only in embryos;
- (4) The umbilical cord, placenta, and amniotic fluid are rich in stem cells which may be used for scientific research and medical treatment without destroying embryos;
- (5) Stem cell research using stem cells from postnatal tissue and fluid has already resulted in treatments for anemia, leukemia, lymphoma, lupus, multiple sclerosis, rheumatoid arthritis, sickle cell disease, spinal cord injury, and Crohn's disease;
- (6) Stem cell therapies using stem cells from postnatal tissue and fluid are being studied for diseases as wide-ranging and diverse as corneal degeneration, heart disease, stroke, Parkinson's disease, and Alzheimer's disease; and
- (7) It shall be the public policy of this state to encourage the donation, collection, and storage of stem cells collected from postnatal tissue and fluid and to make such stem cells available for both scientific research and medical treatment. It shall be the public policy of this state to encourage ethical research in life science and regenerative medicine.

31-46-2.

As used in this chapter, the term:

- (1) 'Amniotic fluid' means the fluid inside the amnion.
- (2) 'Nonembryonic stem cell research' means medical research involving stem cells that have not been derived from a human embryo or fetus; and for this purpose the single-celled stage of development shall be included as an embryo.
- (3) 'Placenta' means the organ that forms on the inner wall of the human uterus during pregnancy.
- (4) 'Postnatal tissue and fluid' means the placenta, umbilical cord, and amniotic fluid expelled or extracted in connection with the birth of a human being.
- (5) 'Stem cells' means unspecialized or undifferentiated cells that can self-replicate and have the potential to differentiate into specialized cell types.
- (6) 'Umbilical cord' means the gelatinous tissue and blood vessels connecting an unborn human being to the placenta.

31-46-3.

- (a) Not later than June 30, 2007, the Georgia Commission for the Newborn Umbilical Cord Blood Initiative, as created in Code Section 31-46-4, shall establish a network of postnatal tissue and fluid banks in partnership with one or more public or private colleges or universities, public or private hospitals, nonprofit organizations, or private firms in this state for the purpose of collecting and storing postnatal tissue and fluid. The bank network,

1 which shall be known as the Newborn Umbilical Cord Blood Bank, shall make such tissue  
2 and fluid available for scientific research and medical treatment in accordance with this  
3 chapter. Any person giving birth to a child in Georgia may contribute postnatal tissue and  
4 fluid to the Newborn Umbilical Cord Blood Bank.

5 (b) The Georgia Commission for the Newborn Umbilical Cord Blood Initiative shall  
6 develop a program to educate pregnant patients with respect to the banking of postnatal  
7 tissue and fluid. The program shall include:

8 (1) An explanation of the difference between public and private banking programs;

9 (2) The medical process involved in the collection and storage of postnatal tissue and  
10 fluid;

11 (3) The current and potential future medical uses of stored postnatal tissue and fluid;

12 (4) The benefits and risks involved in the banking of postnatal tissue and fluid; and

13 (5) The availability and cost of storing postnatal tissue and fluid in public and private  
14 umbilical cord blood banks.

15 31-46-4.

16 (a) There is created the Georgia Commission for the Newborn Umbilical Cord Blood  
17 Initiative which shall consist of 15 members appointed as provided in this Code section.

18 (b) Seven members shall be appointed by the Governor, one of whom shall be a  
19 representative of a public college, university, or medical school. The Governor shall  
20 appoint four members to serve initial terms of three years and three members to serve initial  
21 terms of two years. Thereafter, successors to such initial appointees shall serve terms of  
22 three years. The Governor shall designate one of the persons so appointed to be the  
23 chairperson of the commission. If the chief executive officer of the Georgia Research  
24 Alliance is not appointed by the Governor or any other appointing authority to serve on the  
25 commission, he or she shall serve as an advisory member.

26 (c) Four members shall be appointed by the Lieutenant Governor or, if the Lieutenant  
27 Governor belongs to a political party other than the political party to which a majority of  
28 the members of the Senate belong, by the Senate Committee on Assignments. Of these  
29 four members, there shall be at least one of each of the following: a physician licensed to  
30 practice medicine in this state; a recognized medical ethicist with an accredited degree in  
31 medicine, medical ethics, or theology; a scientific researcher in stem cell research; and an  
32 attorney with experience in public health or biotechnology law. The Lieutenant Governor  
33 or Senate Committee on Assignments shall appoint two members to serve initial terms of  
34 three years and two members to serve initial terms of two years. Thereafter, successors to  
35 such initial appointees shall serve terms of three years.

(d) Four members shall be appointed by the Speaker of the House of Representatives. Of these four members, there shall be at least one of each of the following: a physician licensed to practice medicine in this state; a recognized medical ethicist with an accredited degree in medicine, medical ethics, or theology; a scientific researcher in stem cell research; and an attorney with experience in public health or biotechnology law. The Speaker of the House of Representatives shall appoint two members to serve initial terms of three years and two members to serve initial terms of two years. Thereafter, successors to such initial appointees shall serve terms of three years.

(e) Members of the commission shall be eligible to succeed themselves. The initial terms of office shall begin on July 1, 2006. Appointments shall be made by the respective appointing authorities no later than June 15, 2006. Thereafter, appointments of successors shall be made by the respective appointing authority no later than June 1 of the year in which the member's term of office expires. Vacancies shall be filled for the unexpired term by the respective appointing authority.

(f) The commission shall meet at least four times per year at the call of the chairperson or upon the request of at least seven of its members.

(g) The commission shall have the following duties and responsibilities:

(1) To investigate the implementation of this chapter and to recommend any improvements to the General Assembly;

(2) To make available to the public the records of all meetings of the commission and of all business transacted by the commission;

(3) To oversee the operations of the Newborn Umbilical Cord Blood Bank established in Code Section 31-46-3, including approving all fees established to cover administration, collection, and storage costs;

(4) To undertake the Newborn Umbilical Cord Blood Initiative by promoting awareness of the Newborn Umbilical Cord Blood Bank and encouraging donation of postnatal tissue and fluid to the bank;

(5) To ensure the privacy of persons who donate umbilical cord blood and placental tissue to the Newborn Umbilical Cord Blood Bank pursuant to subsection (a) of Code Section 31-46-3 consistent with applicable federal guidelines;

(6) To develop a plan for making postnatal tissue and fluid collected under the Newborn Umbilical Cord Blood Initiative available for scientific research and medical treatment and to ensure compliance with all relevant national practice and quality standards relating to such use;

(7) To develop a plan for private storage of postnatal tissue and fluid for medical treatment or to make potential donors aware of private storage options for said tissue and fluid as deemed in the public interest;

(8) To participate in the National Cord Blood Program and to register postnatal tissue and fluid collected with registries operating in connection with the program;

(9) To employ such staff and to enter into such contracts as may be necessary to fulfill its duties and responsibilities under this chapter subject to funding by the General Assembly; and

(10) To report annually to the General Assembly in December of each year concerning the activities of the commission with recommendations for any legislative changes or funding necessary or desirable to fulfill the goals of this chapter.

(h) The commission shall provide for protection from disclosure of the identity of persons making donations to the Newborn Umbilical Cord Blood Bank pursuant to subsection (a) of Code Section 31-46-3.

(i) The commission may request additional funding from any additional source including, but not limited to, federal and private grants.

(j) The commission may establish a separate not for profit organization or foundation for the purposes of supporting the Newborn Umbilical Cord Blood Bank established pursuant to Code Section 31-46-3."

### SECTION 3.

Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income tax returns and information, is amended by adding at its end a new Code Section 48-7-63 to read as follows:

"48-7-63.

(a) Each Georgia income tax return form for taxable years beginning on or after January 1, 2006, shall contain appropriate language, to be determined by the state revenue commissioner, offering the taxpayer the opportunity to contribute to nonembryonic stem cell research through the Georgia Commission for the Newborn Umbilical Cord Blood Initiative by donating either all or any part of any tax refund due, by authorizing a reduction in the refund check otherwise payable, or by contributing any amount over and above any amount of tax owed by adding that amount to the taxpayer's payment. The instructions accompanying the income tax return form shall contain a description of the purposes for which the commission was established and the intended use of moneys received from the contributions. Each taxpayer required to file a state income tax return who desires to

1 contribute to the commission may designate such contribution as provided in this Code  
2 section on the appropriate income tax return form.

3 (b) The Department of Revenue shall determine annually the total amount so contributed  
4 and shall transmit such amount to the Georgia Commission for the Newborn Umbilical  
5 Cord Blood Initiative."

6 **SECTION 4.**

7 (a) This Act shall become effective upon its approval by the Governor or upon its becoming  
8 law without such approval.

9 (b) Section 3 of this Act shall apply to all taxable years beginning on and after January 1,  
10 2006.

11 **SECTION 5.**

12 All laws and parts of laws in conflict with this Act are repealed.